



## Proposed Rules for Regulating Alternative Energy and Alternate Use on the Outer Continental Shelf

On July 9, 2008, MMS published a Notice of Proposed Rulemaking (NPR) in the Federal Register on Alternative Energy and Alternate Use of the Outer Continental Shelf (OCS). Under the authority granted by Section 388 of the Energy Policy Act of 2005, which amended the Outer Continental Shelf Lands Act, the MMS is proposing regulations that would establish a program to grant leases, easements, and rights-of-way (ROW) for alternative energy project activities on the OCS, as well as for certain activities that involve the alternate use of existing facilities located on the OCS. The proposed regulations also would establish the methods for sharing revenues generated by this program with nearby coastal States.

### What are the objectives of the regulation?

MMS is establishing a regulatory program to:

- Set forth a predictable process for obtaining access rights;
- Ensure meaningful dialogue with affected State and local governments and Federal agencies;
- Provide for financial assurance,
- Ensure a fair return to the United States for use of OCS lands;
- Provide a process to share revenue with affected States;
- Provide a clear process for submission and approval of necessary plans;

- Ensure the protection of the environment;
- Ensure human safety during operations;
- Provide for regular inspections of operations and facilities, and
- Ensure projects are properly decommissioned.

### What is the timeline for completing the rulemaking process?

✓ Energy Policy Act of 2005 Enacted	<b>Aug. 8, 2005</b>
✓ Issue Advance Notice of Proposed Rulemaking (ANPR)	<b>Dec. 31, 2005</b>
✓ Issue Notice of Proposed Rulemaking (NPR)	<b>July 9, 2008</b>
Comment period on NPR closes	<b>September 8, 2008</b>
Issue Final Rule	<b>December 2008</b>
Final Rule Effective	<b>January 2009</b>

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